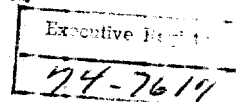


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30 OCT 1974

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director for Operations

FROM: Chief, Operations Staff

SUBJECT: Request for Agency Financial Support and Participation in a Department of State Project

1. Action Requested: A recent memorandum received from Lewis Hoffacker, Special Assistant to the Secretary and Coordinator for Combating Terrorism, outlined for the members of the Working Group a proposed research project intended to deal with laws abroad relating to terrorist acts. The aim of the study is to establish a body of data on legal and policy approaches with respect to prevention and suppression of terrorism. Each of the members of the CCCT/WS has been asked to examine the rough draft of the proposed project and to make a determination as to whether participation by his agency might be justified. If so, we are being asked to share in the design and costs as well as the product of the project. We have been asked to respond to this request prior to 8 November 1974.

2. Background: It is hoped that the research will reveal what law enforcement policies have been officially and unofficially adopted and employed; what laws exist and are currently being invoked against terrorism; how cases under such laws are handled in the courts of the respective countries; what legal sanctions have been imposed; and whether or not there are sufficient similarities among some groups of countries to suggest additional U.S. initiatives looking toward multilateral modes for dealing with terrorists. The Department of State does not have sufficient personnel to undertake the suggested study, and it is intended that the project will be contracted for approximately \$50,000 to law professors from the University of Kansas and New York University. The Department is not able to commit more than \$5,000 this fiscal year.

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3. Recommendation: Having reviewed the proposed project, we are of the opinion that it is not within the purview of the Agency to contribute funds for this type of research project. The proposal has been discussed with [redacted] Office of General Counsel [redacted] is of the opinion that we should not get involved and he agrees with the recommendation. [redacted] added that the matter of collecting data on foreign laws is clearly a Department of State function and one in which embassies throughout the world are engaged. He also expressed the opinion that the Library of Congress has a large body of knowledge on foreign laws. It is recommended that we advise Ambassador Hoffacker that it is inappropriate for the Agency to participate in the suggested project.



Chief
Operations Staff

cc: DDCI

CONCUR:

✓

Deputy Director for Operations

Date

APPROVED:

/s/ William E. Nelson

30 OCT 1974

Director of Central Intelligence

Date

DISAPPROVED:

Director of Central Intelligence

Date

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DEPARTMENT OF STATE

Approved For Release 2004/10/12 : CIA-RDP80M01048A000800290003-2

MEMORANDUM

October 11, 1974

To: DOT - General Davis
ARPA - Mr. Sullivan
LEAA - Mr. Rivkind
Justice - Mr. Robinson
Treasury - Mr. Shultz
ACDA - Mr. Boright
USIA - Mr. Chiancone

AEC - Mr. D'Agostino

From: S/CCT - Lewis Hoffacker

Subject: Research on Laws Relating to Terrorist Acts

The US Government's work on the problem of international terrorism is hampered by the lack of data on most governments legal and policy approaches with respect to prevention and suppression of terrorism. We are canvassing our posts abroad to acquire certain materials which may be available through normal Embassy channels. As an essential complement to this initiative, we need help from private researchers to compile and interpret such and other data in the interest of finding answers to persistent questions like the following: What laws do countries presently invoke against terrorists? How are cases under these laws handled in the courts in which they are sought to be applied? What legal sanctions have been imposed? What law enforcement policies have been officially or unofficially adopted and employed? Are there sufficient similarities among some groups of countries to suggest additional US initiatives looking toward multilateral (regional or global) modes for dealing with terrorists? What deficiencies are there in current legal structures and how may they be remedied?

Such a study dovetails well with a project my small staff is pursuing concerning a more systematic legal/diplomatic follow through on acts of terrorism abroad. The objective of our in-house effort is to go as far as the traffic will bear to see that international terrorists are arrested or extradited.

The Department of State does not have sufficient personnel to undertake the above suggested study. Law professors from the University of Kansas and NYU are willing to undertake such a project. Our problem, as usual, is finding money to do this job. Although the project has been endorsed by the Department's Research Council, demands on the small budget are such that we are unlikely to be able to commit more than \$5,000 this fiscal year for such work. It is hoped that the project could be contracted for approximately \$50,000. The Department's Office of External Research is prepared to manage the project should it be possible to go ahead with the Department acting as the executive agency.

May I ask you to examine the attached rough outline of the project and to see if participation by your agency might be justified? If so, would you be willing to help make this a joint project and to share in its design and costs as well as its product?

This request has been coordinated with the Executive Secretary of the USC/FAR -- a Subcommittee on Foreign Affairs Research of the NSC's Under Secretaries Committee. In the case of addressee agencies participating in that Subcommittee, copies of this memorandum are being sent to their representatives to the USC/FAR listed below. It is hoped this will facilitate any intra-agency consultations needed for a definitive response.

In any case, would you be good enough to let Jeff Browne, S/CCT, or myself know where you stand in consideration of this matter on or before November 8?

Attachment:

A Prospectus for the Study of Legal Aspects of Transnational Terrorism...The University of Kansas

cc:

DOT - Mr. Mack
ARPA - Mr. Ellsworth
Justice - Mr. Dixon
Treasury - Mr. Nansel
AEC - Mr. Friedman
INR/XR - Mr. Platig
Clearance: INR/XR - Mr. Platig (draft)

ACDA - Mr. Katz
NSC - Mr. Smith
USIA - Mr. Moceri

L - Mr. Rovine

L - Mr. Rovine (draft)

S/CCT:LHoffacker:ijg

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A PROSPECTUS

for the Study of Legal Aspects of
TRANSNATIONAL TERRORISM

Prepared at
THE UNIVERSITY OF KANSAS
SCHOOL OF LAW

Submitted to
THE DEPARTMENT OF STATE

[July 8, 1974]

Proposed for the Period
[August 15, 1974, to July 15, 1975]

Total Project Cost: [\$58,236]

John F. Murphy
Professor of Law
Principal Investigator
(913) 864-3158

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Associate Dean
School of Law
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Associate Dean
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One of the more fundamental issues posed by exponential increases in individual acts of transnational terrorism is whether the world community can develop the legal machinery necessary to prevent and suppress such acts. Resolution of this issue will require, as a first step, thorough familiarity with existing laws, procedures, and policies relating to terrorist acts. That is, it will be necessary to compile and analyze information concerning (1) domestic law and procedures on transnational terrorism and (2) application of existing law and procedures by countries in actual cases of transnational terrorism. In this connection various questions arise. For example, what laws do countries presently invoke against terrorists? How are cases under these laws handled in the courts in which they are sought to be applied? What legal sanctions have been imposed? What law enforcement policies have been officially or unofficially adopted and employed? It is our opinion that these questions, and others, have received too little attention by those interested in practical methods for combatting transnational terrorism.

The development of answers to questions similar to those mentioned above can perhaps best be undertaken in two phases. First, analysis of existing municipal law and practice with respect to terrorism, with a view to determining needs left unsatisfied by present legal machinery; second, identification

of methods that in and should be employed to address existing deficiencies.

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The first phase of the study would include a compilation and analysis of the following materials:

1. statutes and regulations on terrorism with primary applicability within countries.
2. statutes and regulations implementing international conventions concerned with terrorism, including the 1963 Tokyo Convention, the 1970 Hague Convention, the 1971 Montreal Convention, and the 1973 Convention on the Protection of Diplomats.
3. texts of judicial and administrative decisions dealing with cases under 1. and 2.
4. prosecution policy and practice; penalty imposition and execution; clemency policy and practice.
5. official government statements on any of the above, or on terrorism generally.
6. data revealing informal approaches and general attitudes of governments with respect to terrorism.

We understand that the Department of State intends to request from its posts abroad comprehensive data on country law, policy and practice dealing with terrorism. We understand that the information could be made available to us should the project be approved. This data, supplemented as necessary by our own research, will form the foundation upon

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which our analyses and recommendations will be developed.

Insofar as possible, an effort would be made to analyze the material in the light of legislative histories, judicial decisions, scholarly or governmental exegesis and any other available information clarifying the actual scope and effect of such laws. This phase of the proposed study would incorporate a comparative analysis of municipal law and practice in the above mentioned areas, and would seek to identify what, if any, legal approaches to the problem of terrorism enjoy consensual status at the regional or global level. Reasons for divergent approaches would be identified to the extent possible. Every effort would be expended to complete this phase of the study within six months.

Once existing law and policy have been compiled and analyzed, the study group would proceed to the identification of deficiencies in current legal structures. More important, during this second phase, the study group would attempt to suggest pragmatic steps toward minimizing or, in some instances, eliminating such deficiencies. At a minimum this portion of the study would include identification of domestic legislation and regulation needed in the U.S. and in other selected countries, and development of draft statutes and regulations to fill these needs.

This phase of the study could begin immediately upon the completion of the preceding phase, and should be completed within six months after the first phase has been completed.